Debbie Johnson

From: Dereck Wade [dereck.wade@tesco.net]
Sent: 26 June 2013 09:50
To: Team P11
Subject: APP/Y3805/A/13/2196386

Attachments: RESPONSE TO REPRESENTATIONS.doc



RESPONSE TO PRESENTATIONS.dc

Dear Ms. Ball,

With reference to your letter dated 14 June 2013, please find attached the Appellant`s comments on the LPA Statement and third-party representations.

Yours sincerely,

Dereck Wade

DW Planning

This email was received from the INTERNET and scanned by the Government Secure Intranet anti-virus service supplied by Vodafone in partnership with Symantec. (CCTM Certificate Number 2009/09/0052.) In case of problems, please call your organisation's IT Helpdesk.
Communications via the GSi may be automatically logged, monitored and/or recorded for legal purposes.

DW PLANNING

59, Sadlers Way,
Ringmer,
Lewes,
East Sussex
BN8 5HG
Tel.: 01273 814200
Mobile: 07966 516336
E-mail: Dereck.Wade@tesco.net
Date: 25th.June 2013

My Ref: DWP/5/13

To:-

The Planning Inspectorate,
3/05a Wing,
Temple Quay House,
2, The Square,
Bristol
BS1 6PN

Dear Sir/Madam,

Town and Country Planning Act 1990
Appeal by Mrs. S. Miles
Site at 37, Buckingham Road, Shoreham-by-Sea, BN43 5UA
(Your Ref. APP/Y3805/A/13/2196386)

With reference to your letter dated 14 June, the Appellant wishes to comment upon the LPA`s statement and third party representations as follows:

1. **LPA Statement:-** the reference to "mirroring" the extension to No. 35 is in the context of the proposed front elevation facing Buckingham Road, as shown on Application Drawing No. 12/780/01. This clearly illustrates that the proposed new extension will be an almost exact replica to that adjoining No. 35 in terms of roof height; size, and fenestration details.

2. The Officer`s views as to differences in scale omit to refer to the rest of the immediate street scene, as shown in the photographs accompanying the Appeal at Appendix 1 and which show that the street scene is characterised by a mix of dwellings and flats of varying heights, e.g. the tall building to the immediate south of No. 31.

3. The LPA concede that the four windows in the south elevation to No. 39 are *"not habitable rooms as such".* They are therefore NOT principal windows and so the distances required between buildings in DC Standard No. 2 do NOT apply. In any event, as the Inspector witnessed during his site visit, the non-kitchen rooms in the 2 flats DO have other, principal ,windows in the front elevation facing onto Buckingham Road from which they derive light.

4. The fact that the Council have no records of the extension to No. 35 is irrelevant; the extension exists and the Appeal proposals must therefore be assessed in the context of its existence and the precedent it has set for a very similar extension to No. 37.

5. **Letter from Dr. Whitnall dated 20 May:** - the respondent has only purchased the lease to the flats, not the freehold. The proposals will NOT "*turn the property into a terraced property*", as

the main semi-detached character, albeit with subservient, set-back (matching) extensions on either side, will remain.

6. Paras. 1 – 3: the Leaseholders to No. 39 have no parking/access rights in their Leases and so the Freeholder is entitled to let out land in independent and separate ownership as thought fit.

7. Para. 4 – these concerns are not reflected in the LPA`s refusal reasons, and should therefore be disregarded as immaterial to the Appeal in hand.

8. Paras. 5-6: loss of view (e.g to the Downs) is not a material planning consideration, as no-one is legally entitled to such views or their protection.

9. Paras. 7 – 10: again, not referred to in refusal reason /or represent non-planning considerations.

10. Equally, the intentions of the Applicant/Appellant are irrelevant, not constituting material planning considerations and so cannot be accorded any weight for the purposes of this Appeal. If, however, such matters are to be considered relevant, then the Appellant wishes it to be known that the purpose of the proposed extension is partly to house an infirm grandmother.

11. **Letter from Mr. E. Rubython, dated 10 June:** - the writer resides in Queen`s Place; as stated in the Grounds of Appeal, the LPA did not share the Objector`s concerns as listed and they must therefore be accorded little or no weight in this Appeal.

12. **Letter from TVR, dated 5 June**: - it is not understood how either the writer or the person he represents were not aware of the Appeal submitted: page 7 of the Appeal form clearly states that the Occupiers of Flats 37 A and 37B had been given clear notice of the Appeal, which was via a Recorded Delivery Notice under Articles 11 and 32 of the Act on 12 April 2013.

    In the light of the above, it is formally requested that, in the absence of substantial or over-riding concerns, then the Appeal be ALLOWED.

Yours sincerely,

